

## Thomas, Felicia

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**From:** DeGering, Tracy  
**Sent:** Friday, March 13, 2015 3:00 PM  
**To:** (b) (6)  
**Cc:** Werntz, James  
**Subject:** RE: Individual Permit for Small Scale Suction Dredge Mining in Idaho

Good Afternoon, Mr. Smith-

Jim Werntz is not in the office today, but he did forward your email to me. We will work on your request early next week.

Tracy DeGering

U.S. Environmental Protection Agency | Region 10 | Idaho Operations Office  
[degering.tracy@epa.gov](mailto:degering.tracy@epa.gov) | p: 208-378-5756 | f: 208-378-5744

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Begin forwarded message:

**From:** (b) (6)  
**To:** "Werntz, James" <[Werntz.James@epa.gov](mailto:Werntz.James@epa.gov)>  
**Subject:** Individual Permit for Small Scale Suction Dredge Mining in Idaho

Jim Werntz,  
Dear Sir,

I am a suction dredger from the Salmon River. I wish to find out more information about the NPDES individual permit. I am requesting that you send me the form. I also want the exact directions on how to mark each box and how to fill out the form in a way that guarantees the permit will be issued in a timely manner. The USDA National Forest Service permit that was issued to the Nez Perce National Forest to obliterate Crooked River should help you in deciding what is a timely manner.

(Draft Record of Decision---Crooked River Rehabilitation---February 2015) page 38. Permits Required.

Rehabilitation activities including working instream...(NPDES) permit (will) be prepared, and approved by the Environmental Protection Agency. (emphasis added)

I have a Joint Clean Water Act 404 Permit/Stream Alteration Permit from the U.S. Army Corps of Engineers and the Idaho Department of Water Resources. It was issued to me on June 24, 2014 and according to the Coeur Alaska decision, (129 S Ct 2458, 174 L Ed 2d 193 (2009)) I do expect for the EPA to respect this permit as complying with the Clean Water Act. (see attachment)

Article 1. Section 2. of the Idaho Constitution; Political power inherent in the people. All political power is inherent in the people. Government is instituted for their (equal protection and benefit), and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature. (emphasis added)

I would also like to inform you that this email does in no way confer any authoritative jurisdiction on my part to the EPA to regulate me in this manner.

Your timely response to this email would be greatly appreciated,

Don Smith

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